

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION**

David R. Hill,)	
)	
Plaintiff,)	Civil Action No.: 0:15-cv-05091-JMC
)	
v.)	
)	
Commissioner of Social Security)	
Administration,)	ORDER
)	
)	
Defendant.)	
<hr style="border: 0.5px solid black;"/>)	

This matter is before the court on Plaintiff David R. Hill's ("Plaintiff") Motion for Attorney's Fees under 42 U.S.C. § 406(b). (ECF No. 41.) Defendant responded to Plaintiff's Motion (ECF No. 43) and the parties agreed to a stipulation that Plaintiff should be awarded thirty-two thousand five hundred twelve dollars and zero cents (\$32,512.00) in attorney's fees, which were withheld from Plaintiff's past-due benefits. (ECF No. 41; ECF No. 43.) After reviewing Plaintiff's Motion and Defendant's Response, the court finds that the stipulated request for fees is reasonable and that Plaintiff is entitled to an award of attorney's fees under 42 U.S.C. § 406(b).

In accordance with *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), when fees are awarded under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, and 42 U.S.C. § 406(b), a claimant's attorney must refund the smaller amount to the claimant. Plaintiff received \$5,500.00 in fees under the EAJA on September 13, 2017. (ECF No. 40.) Therefore, as Plaintiff's counsel has agreed to do, the court directs that Plaintiff's counsel remit \$5,500.00 to Plaintiff. (ECF No. 41 at 1-2.)

After a thorough review of Plaintiff's Motion (ECF No. 41) and Defendant's Response

(ECF No. 43), the court **GRANTS** Plaintiff's Motion for Attorney's Fees (ECF No. 41) and awards \$32,512.00 in attorney's fees.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "J. Michelle Childs". The signature is written in a cursive, flowing style.

United States District Judge

August 16, 2018
Columbia, South Carolina